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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/284,735 04/19/99 HANAOKA

K 445-272P

EXAMINER

002292 IM52/0705
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GUARRIELLO, J	
ART UNIT	PAPER NUMBER

1771
DATE MAILED:

07/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/284735

Applicant(s)

Hanaoka et al.

Examiner

John Guarriello

Group Art Unit

1971

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4/19/1999
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-19 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-19 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4,627,8
- ☐ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

15. The examiner acknowledges paper # 2, of 4/19/1999 the preliminary amendment.

Claim Rejections - 35 USC § 112

16. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

17. Claims 1, 18, and 19 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for cleaning article with the stated limitations as described in the specification i.e., for the abrasive particles page 9, lines 9-15; for the protective layer page 10, lines 23-28; for the organic solvent page 14, lines 1-5 and for the water content and viscosity page 19, lines 5-9, lines 15-19; and dependent claims 8 and 10 , does not

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reasonably provide enablement for claims 1, 18, and 19 unless the limitations as cited in this paragraph are incorporated into claims 1, 18, and 19.

Otherwise, the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims, 1, 18, and 19. It is the examiner's position that undue experimentation would be required to produce the claimed invention of the cleaning article without the limitations as noted in the cites given in the instant specification.

18. Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The protective layer forming component and the abrasive particles which are described as critical or essential to the practice of the invention, but not included in the claim is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

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The specification as filed describes the protective layer component and abrasive particles as necessary components of the claimed invention, page 4, lines 1-5, but these components are missing from the claim.

19. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20. Claims 1-17, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not clear what the aspects of "particles" encompasses, since kind, amount and size are missing especially since the instant specification states necessary hardness, page 8, lines 13-14. Moreover, since the claim states "consisting of", which language is very restricting, "organic particles **and/or** inorganic particles" provides limited specificity because it is

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not clear which particles meet the degrees of hardness as stated in the specification.

In claim 15, it is not clear what is encompassed by the phrase "capable of". This is not a patentable limitation but the **ability** to perform.

In claim 19, it is not clear for the same reasons given in claim 1.

Claim Rejections - 35 USC § 102

21. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Feig 3,711,884.

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Feig describes a cleaning and polishing cloth for use on glass, plastic, enamel and lacquer surfaces, (abstract). Feig describes the cloth (woven, non-woven, paper, textile materials, column 3, lines 13-19) which is bound (impregnated) with a polishing or cleaning agent (abrasive particles) and a binding agent (protective layer component), (see abstract, column 1, lines 4-9; lines 52-61). Feig describes the particle size (granule) in the range of about 1.50 to 60.0 microns, (column 2, lines 63-67). Feig describes the essential limitations of the claimed invention. Claims lack novelty.

22. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by

JP-05-15481.

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JP'481 describes a wiping cloth with a stain removing fiber layer and a fluid absorbing layer impregnated with a wiping agent (detergent) with surface coating agent (like surfactant), (see abstract). JP'481 describes the cleaning agent (like detergent) with silicone resin to prevent the surface from being stained, (see abstract). JP'481 describes the wiping cloth impregnated with the wiping agent (detergent), as cleaning the glass with one wiping action, (see abstract). It is the examiner's position that the static friction component is met since the glass is clean with one wipe and would be inherent. JP'481 describes the essential limitations of the claimed invention. Claim lacks novelty.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 6-17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feig 3,711,884 in view of Lohr et al. 4,347,151.

Feig as above in paragraph # 21 with the difference being that Feig is silent about the specific protective layer component.

Lohr describes a cleaner polish for kitchen and bathroom surfaces with surfactant, abrasive agent, dimethyl silicone fluid (protective layer component) to aid application properties, water, and other conventional additives, (see abstract, column 2, lines 10-56). Lohr describes using 0.4% of dimethyl silicone fluid, (column 4, lines 5-8; 30-33; 63-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the dimethyl silicone fluid (protective layer component) of Lohr in the cleaning article of Feig motivated with the expectation that there would be an improvement in cleaning of the substrates

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with less friction present with its use. It would have been obvious to one of ordinary skill in the art to optimize the other properties and amounts of the components since when the general conditions of the claimed invention are disclosed in the prior art discovering optimum or workable ranges involves only routine skill in this art, **In re Aller, 105 USPQ 233.**

24. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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25. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(1). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text. The new abstract must be one paragraph and not more than 150 words.

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP 54-36065 describes polishing device with a porous body impregnated with a powder with particle diameter of 5-500 microns. JP'065 describes non-woven fabric, (see pages 1 and 2). JP 64-8351 describes cleaning cloth made from woven or non-woven fabric with an abrasive (0.8 to 2.00 microns), a surfactant, binder and a silicone resin, see pages 1 and 2.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone

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number is (703)308-3209 . The examiner can normally be reached on Monday to Friday from 8am to 4 pm.

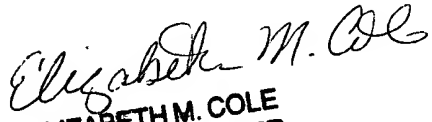
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris , can be reached on (703)308-2414 . The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


John J. Guarriello:gj

Patent Examiner

June 12, 2001


ELIZABETH M. COLE
PRIMARY EXAMINER